

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(Newark Vicinage)

CHERYL L. HENDERSON,

Plaintiff,

v.

Civil Action No.:

CROWN TRUCKING, INC.; GREGORY
GERMEK; JOHN DOES(S) (1-10); and BAC
CORP(S). (1-10) (fictitious names),

Defendants.

NOTICE OF PETITION FOR REMOVAL FROM STATE COURT TO FEDERAL COURT

TO:

Evan A. Marx, Esquire
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Attorneys for Plaintiff – Cheryl L. Henderson

PLEASE TAKE NOTICE that the defendants, Crown Trucking, Inc. and/or Mr. Gregory Germek (hereinafter referred to collectively as “Petitioners” or “Crown Trucking”), herein files and submits this Notice of Petition for the Removal from State Court to Federal Court in the above matter.

The Notice of Petition for Removal is also being filed with the Superior Court of New Jersey, Law Division, Middlesex County pursuant to 28 U.S.C. §1446 (d).

A Motion to Remove the case from New Jersey State Court to Federal Court will be filed after the Federal Court assigns this matter a Civil Action Number.

CIPRIANI & WERNER, P.C.



MARC R. JONES, ESQUIRE (NJ#016022001)
Attorneys for Defendants – Crown Trucking, Inc. and/or Mr.
Gregory Germek
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DATED: April 2, 2019

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(Newark Vicinage)

CHERYL L. HENDERSON,

Plaintiff,

v.

Civil Action No.:

CROWN TRUCKING, INC.; GREGORY
GERMEK; JOHN DOES(S) (1-10); and BAC
CORP(S). (1-10) (fictitious names),

Defendants.

PETITION FOR REMOVAL FROM STATE COURT TO FEDERAL COURT

Petitioners, Crown Trucking, Inc. and/or Mr. Gregory Germek (hereinafter referred to collectively as “Petitioners” or “Crown Trucking”), hereby files the within Petition for Removal to the United States District Court of New Jersey from the Superior Court of New Jersey, Law Division – Middlesex County, and hereby says:

1. This case arises out of a motor vehicle accident that occurred on November 9, 2017 at the intersection of North Center Drive and Commerce Blvd. in North Brunswick, Middlesex County, New Jersey. (**Exhibit “A”**)

2. On or about February 12, 2019, Plaintiff filed a Complaint against the Defendants, Crown Trucking, Inc. and Mr. Gregory Germek, in the Superior Court of New Jersey, Law Division – Middlesex County, entitled Cheryl L. Henderson v. Crown Trucking, Inc., et al., under docket number MID-L-1382-19. (**Exhibit “B”**)

3. Service of the Complaint onto the Defendants has not yet been effected as per Plaintiff’s counsel dated March 26, 2019. (**Exhibit “C”**)

4. Plaintiff is seeking in excess of \$100,000.00 in damages from the Defendants for the bodily injuries she allegedly sustained in the accident. (*See* Plaintiff’s Demand Letter dated December 12, 2018, **Exhibit “D”**).

5. Plaintiff, upon information and belief, is a resident of the State of New Jersey, residing at 524 Wheeler Place, Somerset, New Jersey.

6. Defendant, Crown Trucking, Inc., is a corporation existing under the laws of the Commonwealth of Pennsylvania and located at 332 James Street, Kingston, Pennsylvania. (**Exhibit "A"**)

7. Defendant, Gregory Germek, is a natural person whose permanent residence is located at 72 Main Street, Durya, Pennsylvania. (**Exhibit "A"**)

8. The present case, therefore, is a civil action in which the United States District Court for the District Court of New Jersey has original jurisdiction by virtue of diversity of citizenship of all of the parties pursuant to 28 U.S.C. §1332.

9. Pursuant to 28 U.S.C. §1332, this case involves injuries which, as alleged by Plaintiffs, will exceed \$75,000.00 exclusive of interest and costs as evidenced by the Plaintiffs settlement demand letter dated December 12, 2018. (**Exhibit "D"**)

10. In accordance with the applicable Federal Rules of Civil Procedure and/or Federal Statutes, specifically 28 U.S.C.S. §1446 (b), this Notice of Removal has been filed within (30) days after the Petitioners/Defendants received notice of Plaintiff's Complaint on March 15, 2019, although formal service has not yet been effected. *See Granovsky v. Pfizer, Inc., et al.*, 631 F.Supp.2d 554, 559 (D.N.J. 2009). (**Exhibit "C"**)

11. Accordingly, pursuant to 28 U.S.C. §1332, this matter is a civil action that may be removed by the Petitioners from State Court to the United States District Court for the District of New Jersey over which the federal court has original jurisdiction.

12. A copy of the Defendant's answer to the Complaint is attached hereto as **Exhibit "E"** and will be filed separately.

WHEREFORE, Petitioners/Defendants, Crown Trucking, Inc. and/or Mr. Gregory Germek, hereby respectfully requests that the aforementioned civil action commenced against them by Plaintiff be removed to the United States District Court for the District of New Jersey for all further proceedings.

Respectfully submitted,

CIPRIANI & WERNER, P.C.



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DATED: April 2, 2019